

STATEMENT OF JUSTIFICATION

Zoning Concept Plan Amendment/Zoning Modification Greene Mill Preserve Planned Development – Rural Village Section 4-1206 (A) (4) February 27, 2009

I. Introduction

The applicant, **Woodlands Neighborhoods, LLC**, of Reston, Virginia, is requesting a zoning modification of Section 4-1206(A)(4) of the Revised 1993 Loudoun County Zoning Ordinance (the Zoning Ordinance) to revise the minimum perimeter depth for the Village Conservancy Subdistrict in the Greene Mill Preserve rural village. Section 4-1206(A)(4) of the Planned Development – Rural Village (PD-RV) district requires “No less than 800 feet in depth at all points along the perimeter of the Village Center, except as modified by the County (See Section 4-1218(B)).” A minimum perimeter depth of 740 feet is proposed at the closest point between the Village Center Subdistrict and the outer boundary of the Village Conservancy Subdistrict. Since there is an approved concept plan governing the rural village, the concept plan is also proposed to be amended to reflect the revised perimeter depth as modified. That change is the only amendment proposed to the concept plan.

Greene Mill Preserve, formerly known as Woodland Rural Village (ZMAP 1997-0001), was zoned PD-RV in 1998 and is located in the Dulles Election District, bounded by Evergreen Mills Road (Route 621) to the east, Watson Road (Route 860) to the west, and Red Hill Road (Route 617) to the south. Greene Mill Preserve is approved for 229 approved dwelling units and is presently under construction, with many of the units occupied.

II. Zoning Modification

The applicant is requesting a zoning modification of Section 4-1206(A) (4). This section specifically anticipates that modification of its requirements may be appropriate by referencing Section 4-1218(B), which states that for locational requirements “The Board of Supervisors may grant modifications permitted pursuant to Section 6-1504.” Section 6-1504 of the Zoning Ordinance states as follows:

Modifications. The regulations of the PD district sought shall apply after rezoning is approved unless the Board of Supervisors approves a modification to the zoning, subdivision or other requirements that would otherwise apply. No modifications shall be permitted which affect uses,

density, or floor area ratio of the district. Modifications to an approved Concept Development Plan may be approved as set forth in Section 6-1511. No modification shall be approved unless the Board of Supervisors finds that such modification to the regulations will achieve an innovative design, improve upon the existing regulations, or otherwise exceed the public purpose of the existing regulation. No modification will be granted for the primary purpose of achieving the maximum density on a site. An application for modification shall include materials demonstrating how the modification will be used in the design of the project.

A. Zoning Ordinance Section Proposed to Modified

Section 4-1206 Size and Location of Subdistricts.

(A) Village Conservancy Subdistrict.

(4) No less than 800 feet in depth at all points along the perimeter of the Village Center, except as modified by the County (See Section 4-1218(B)).

B. Proposed Modification

The applicant proposes a minimum depth of 740 feet along the perimeter of the Village Center.

C. Justification for Modification

The Greene Mill Preserve rural village has been platted, with all of the lots created, pursuant to ZMAP 1997-0001, approved January 21, 1998. It was platted with the 800 foot perimeter open space buffer encroaching onto the rear of many of the lots within the village center. This resulted in residential lots having a recorded open space easement on the rear portions of the lots. While this easement does not affect the ability to construct the primary dwellings on each parcel, it does restrict individual homeowner's use of their entire property. More importantly, however, the easement being placed on individual village parcels has the potential to create an administrative burden for the County, which is the entity holding the open space easement. This burden includes either making rulings on each homeowner request for a determination whether a particular activity is consistent with the easement, or involves enforcing the easement provisions after the fact, if a homeowner were to establish a use on the property that was inconsistent with the terms of the easement. The bottom line is that this situation is benefiting neither the homeowner nor the County.

The proposed modification moves the Village Conservancy Subdistrict boundary to the rear property line of each of the village lots that borders the conservancy lots. This boundary will enable homeowners to enjoy their property and does not reduce the conservancy lot area, either. Rather, it reflects the current boundary between the village lots and the conservancy lots. While the requested minimum is 740 feet, the buffer

ranges between 740 and 800 feet. There is only one area on the property that is reduced to the proposed minimum buffer.

Additionally, the proposed modification does not reduce the open space calculations for the village, since the eased area on the village lots was never included in the open space calculations for the rural village. The site data on the concept plan tabulates the open space as ten acres as parks and village green and the conservancy lots as 330.5 acres for a total of 340.5 acres. Proffer 20 for ZMAP 1997-0001 states that there will be 340 acres as "parks, village greens and conservancy lots, ("open space")" with "a minimum of 300 acres of said open space subdivided into lots not less than 100 acres in size." The 300 acre number in the proffers is not affected by the proposed amendment, and, in fact, the project exceeds that number by 30 acres. The 340 acres of open space also complies with the zoning requirement that 80% of the land area be preserved as open space.

Therefore, the only real effect of the proposed modification is that the area included in the open space easement will be reduced by 4.17 acres. In all other respects, the rural village remains unchanged. Additionally, any tree save easements located on Village Center lots will remain unaffected. The proposed amendment will not alter or remove any tree save easements. Since the rural village regulations specifically anticipated the modification of this particular locational requirement, the resulting relief of administrative burden to both the property owners and the County warrants the modification.

III. Comprehensive Plan

The property is located in the Rural policy area as designated in the Revised General Plan. At the time the property was rezoned to the PD-RV district, this zoning district was consistent with the Rural designation policies. Subsequent to the property being rezoned, the Rural area policies have been revised. However, the proposed modification with accompanying concept plan amendment does not alter the density of the project nor expands the project, but merely makes internal adjustments to the project. The rural village is a clustered development providing 80% of the land area as open space, which is consistent with the comprehensive plan policies as well as the requirements of the PD-RV zoning district.

IV. Matters for Consideration Contained in Section 6-1211(E)

The following items are addressed in accordance with section 6-1211(E) of the Revised 1993 Zoning Ordinance:

(1) Conformance with the Comprehensive Plan

The property is located in the Rural policy area as designated in the Revised General Plan. At the time the property was rezoned to the PD-RV district, this zoning

district was consistent with the Rural designation policies. Subsequent to the property being rezoned, the Rural area policies have been revised. However, the proposed modification with accompanying concept plan amendment does not alter the density of the project nor expands the project, but merely makes internal adjustments to the project. The rural village is a clustered development providing 80% of the land area as open space, which is consistent with the comprehensive plan policies as well as the requirements of the PD-RV zoning district.

(2) Changing conditions in the area

The proposed amendment will have no discernible affect on the surrounding area, since only an internal subdistrict boundary is proposed to be relocated. The proposed amendment is not due to changing conditions in the area.

(3) Compatibility of proposed uses

The proposed amendment will have no affect on the uses. All uses approved for the property will remain unchanged. The proposed amendment will result in a decreased area included in the open space easement, but does not decrease the 340 acres of designated open space included in the parks, greens and conservancy lots.

(4) Adequacy of services to support proposed uses

The proposed amendment to relocate an internal subdistrict boundary will have no affect on the adequacy of services to support the proposed uses. The proposed uses will not change as a result of this amendment.

(5) Effect of proposed uses on ground water supply

The proposed amendment to relocate an internal subdistrict boundary will have no affect on the ground water supply. The proposed uses will not change as a result of this amendment.

(6) Effect of proposed uses on the structural capacity of the soils

The proposed amendment to relocate an internal subdistrict boundary will have no affect on the structural capacity of the soils. The proposed uses will not change as a result of this amendment.

(7) Traffic impacts

The proposed amendment to relocate an internal subdistrict boundary will have no affect on traffic impacts. The proposed uses and, therefore, the traffic impacts will not

change as a result of this amendment. A traffic statement has been submitted stating that there will be no traffic impacts.

(8) Economic viability under the current zoning

The proposed amendment to relocate an internal subdistrict boundary will have no affect on the economic viability under the current zoning. The proposed uses and, therefore, the economic viability of the project will not change as a result of this amendment.

(9) Environmental impacts

The proposed amendment to relocate an internal subdistrict boundary will have no environmental impacts. The proposed uses will not change as a result of this amendment.

(10) Tax base enlargement, economic development and employment growth

The proposed amendment to relocate an internal subdistrict boundary will have no affect on economic development and employment growth. The proposed uses will not change as a result of this amendment.

(11) Consideration of agriculture, industry and business needs

The proposed amendment to relocate an internal subdistrict boundary will have no affect on agriculture, industry and business needs. The proposed uses will not change as a result of this amendment. The conservancy lots are unchanged by the proposed amendment, and therefore have the same ability to provide agricultural uses as under the current concept plan.

(12) Consideration of land in regards to population and economic studies

The proposed amendment to relocate an internal subdistrict boundary will have no affect on the use of the land. The proposed uses will not change as a result of this amendment.

(13) Conservation of property values and promotion of appropriate land use

The proposed amendment to relocate an internal subdistrict boundary will have no affect on the use of the land. The proposed uses will not change as a result of this amendment. Additionally, the designated open space for the community remains unchanged.

(14) Growth trends, economic factors and public facility capacity

The proposed amendment to relocate an internal subdistrict boundary will have no affect on growth trends, economic factors and public facility capacity. The proposed uses will not change as a result of this amendment.

(15) Provision of moderate housing

The proposed amendment to relocate an internal subdistrict boundary will have no affect on the provision of moderate housing. The proposed uses will not change as a result of this amendment.

(16) Natural, scenic, archaeological or historic effects

The proposed amendment to relocate an internal subdistrict boundary will have no affect on the natural, scenic, archaeological or historic features. The proposed uses will not change as a result of this amendment. The portions of the lots proposed to be removed from the open space easement contain no significant natural, scenic, archaeological or historic features.

V. Conclusion

The proposed zoning modification and zoning concept plan amendment application to reduce the depth of perimeter for the village conservancy subdistrict will have no effect on surrounding properties and will not reduce the designated open space of 340 acres for the rural village. It will, however, remove the burden on the County of the difficulty of enforcing the provisions of the open space easement on individual village lots. Additionally, these homeowners will be able to make full use of their lots consistent with the PD-RV district requirements. The PD-RV district regulations specifically anticipated modifications to the village conservancy subdistrict perimeter depth, and the perimeter as proposed will follow the property boundaries between the village lots and the conservancy lots, which is a more identifiable boundary for all of the involved parties to understand and to administer.